

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

Bail Appl..No. 3913 of 2007()

CRIME NO.89/07 PANOOR POLICE STATION
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PETITIONERS/ACCUSED NO.1 TO 5

1. JIJESH M.K., S/O NANU, AGED 23 YEARS,
COOLIE, PADINHAREKILACHE PARAMBATH HOUSE,
P.O.MUTHIYANGA, MOKERY AMSOM, VALLIYAI DESOM.
2. MANOJ K.P., S/O GOPI, AGED 29 YEARS,
COOLIE, KANNIPOLYIL HOUSE,
P.O.MUTHIYANGA, MOKERY AMSOM, VALLIYAI DESOM.
3. SANTHOSH N.N., S/O GOPALAN, AGED 26
YEARS, COOLIE, PADINHEREKILACHE PARAMBATH HOUSE,
P.O.MUTHIYANGA, MOKERY AMSOM, VALLIYAI DESOM.
4. SREEJITH.M., S/O SREEDHARAN, AGED 28
YEARS, COOLIE, KALATHINKAL HOUSE,
P.O.MUTHIYANGA, MOKERY AMSOM, VALLIYAI DESOM.
5. BANESH ERAYI, S/O BALAN, AGED 27 YEARS,
COOLIE, ERAYINTAVIDA HOUSE,
P.O.MUTHIYANGA, MOKERY AMSOM, VALLIYAI DESOM.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS: COMPLAINANT

STATE - S.H.O. PANOOR,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 3913 of 2007

Dated this the 2nd day of July, 2007

ORDER

Application for anticipatory bail. Petitioners are accused 1 to 5. About an incident which took place on 3.6.2007, a case and a counter case have been registered. The petitioners face allegations under Sections 324 and 308 I.P.C. Their adversaries face a case registered under Section 324 I.P.C. Investigation is in progress. The crux of the allegations is that two groups of people attacked each other in the course of the same incident. The learned counsel for the petitioner submits that a careful reading of the F.I.R. suggests that the alleged victims in the case were the aggressors and the petitioners were victims of aggression as alleged by them. The learned Prosecutor submits that the investigation is not complete. The victim has suffered a fairly serious injury on the head. In these circumstances anticipatory bail may not be granted to the petitioners.

2. I have considered all the relevant inputs. The case diary has been placed before me. I have perused the same carefully. I have taken note of the injuries suffered as also the admitted stand of the

prosecution that recovery of the weapon has already been taken place. I am satisfied that this is a fit case where directions under Section 438 Cr.P.C. can be issued in favour of the petitioners.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 10.7.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 11.7.07 and 12.7.2007 and thereafter shall appear on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(d) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 10.7.06 and the police shall be at liberty thereafter to arrest the petitioners and deal with

them in accordance with law.

(b) If the petitioners were arrested prior to their surrender on 10.7.2006 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 10.7.2007.

(R. BASANT)
Judge

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